

## REMARKS/ARGUMENTS

In the Final Office Action mailed on December 10, 2009, claims 1, 3, 5-8, 10, 12-14, and 16-25 are rejected. Applicant hereby requests reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

### Claim Rejection under 35 U.S.C. 103

Claims 1, 3, 7, 8, 10, 14, 16, 17, and 20-22 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer et al. (U.S. Pat. No. 7,084,769, hereinafter “Bauer”) in view of Cesar et al. (U.S. Pat. No. 6,172,596, hereinafter “Cesar”), and further in view of Vacherand et al. (U.S. Pat. No. 6,650,228, hereinafter “Vacherand”). Claims 5, 12, 13, 18, and 19 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar and Vacherand, and further in view of Meier (U.S. Pat. No. 6,323,566). Claim 6 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, Vacherand, and Meier, and further in view of Walker (GB 2,288,952A). Claim 25 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar and Vacherand, and further in view of Bowers et al. (U.S. Pat. No. 5,883,582, hereinafter “Bowers”). Claims 23 and 24 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bauer in view of Cesar, Vacherand, and Bowers, and further in view of Vercellotti et al. (U.S. Pat. No. 5,266,925, hereinafter “Vercellotti”). However, Applicant respectfully submits that the pending claims are patentable over the cited references for the reasons provided below.

### Independent Claim 1

Claim 1 recites:

“A method of inventorying at least one transponder by means of a communication station, wherein the communication station emits an unmodulated carrier signal in a communications range, and wherein the transponder on entering the communications range independently generates a presence-signaling signal and emits the presence-signaling signal in the communications range, and wherein the communication station on receiving a presence-signaling signal emits an inventorying command signal in the communications range, and wherein the transponder on receiving the inventorying command signal emits a response signal in the communications range permitting the inventorying of the transponders, and wherein the communication station, on correctly receiving a response signal undertakes inventorying of the transponders, wherein the transponder emits the presence-signaling signal with a first signal duration and the response signal with a second signal duration, and wherein the first signal duration is shorter than the second signal duration.” (emphasis added)

Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 1 because Bauer in view of Cesar, and further in view of Vacherand fails to teach all of the limitations of claim 1.

In particular, Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach that “*the transponder on entering the communications range independently generates a presence-signaling signal and emits the presence-signaling signal in the communications range*” (emphasis added), as recited in claim 1. The Final Office Action acknowledges that Bauer in view of Cesar fails to teach the above-identified limitation of claim 1. (See pages 4 and 5 of the Final Office Action). Vacherand is cited as teaching the above-identified limitation of claim 1. (See pages 2 and 5 of the Final Office Action). The Final Office Action suggests that a sequence number of a tag as taught in Vacherand is equivalent to the “*presence-signaling signal*” emitted by the transponder of claim 1. (See pages 2 and 4 of the Final Office Action).

However, Vacherand teaches assigning each tag a sequence number whose binary size is significantly smaller than that of the ID code of the tag for quick detecting of the tags. (See column 3, lines 6-10 of Vacherand). Vacherand further teaches that the sequence number, which is assigned to each tag by an interrogator, has a bit length much shorter than the ID code length of the corresponding tag. (See column 3, lines 11-18 of

Vacherand). That is, Vacherand teaches that the sequence number of each tag is assigned to the tag by the interrogator.

Because Vacherand teaches that the sequence number of each tag is assigned to the tag by the interrogator, Vacherand fails to teach that each tag independently generates its own sequence number. Because Vacherand fails to teach that each tag independently generates its own sequence number, Applicant respectfully asserts that Vacherand fails to teach that “*the transponder on entering the communications range independently generates a presence-signaling signal*” (emphasis added), as recited in claim 1.

Additionally, the Final Office Action states that “the teachings of Vacherand may be applied to any RFID interrogator system for quick detecting of the tags by using a shorter code, and the shorter code may be assigned by the interrogator or pre-assigned in the tag of the interrogator system by one of ordinary skill in the art to achieve the desired results of quicker tag detection using shorter identification codes” (emphasis added). (See “Response to Arguments” section on page 2 of the Final Office Action). That is, the Final Office Action seems to admit that Vacherand teaches that the sequence number of each tag is assigned to the tag or to suggest that a sequence number of Vacherand is assigned to a tag of an interrogator system. Because the Final Office Action suggests assigning a sequence number to a tag of an interrogator system, a tag of an interrogator system does not independently generate the sequence number. Thus, according to the logic in the Final Office Action, the combination of Bauer, Cesar, and Vacherand teaches away from the limitation that “*the transponder on entering the communications range independently generates a presence-signaling signal*” (emphasis added), as recited in claim 1.

Accordingly, Bauer in view Cesar, and further in view of Vacherand fails to teach the above-identified limitation of claim 1. Because Bauer in view Cesar, and further in view of Vacherand fail to teach all of the limitations of claim 1, Applicant respectfully asserts that claim 1 is patentable over Bauer in view Cesar, and further in view of Vacherand. Thus, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 1.

### Dependent Claims 3, 5, 6, 20, and 23-25

Claims 3, 5, 6, 20, and 23-25 depend from and incorporate all of the limitations of independent claim 1. Thus, Applicant respectfully asserts that claims 3, 5, 6, 20, and 23-25 are allowable at least based on an allowable claim 1. Additionally, claim 3 is allowable for further reasons, as described below.

### Claim 3

Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 3. In particular, Applicant respectfully asserts that Bauer in view of Cesar, and further in view of Vacherand fails to teach that “*the presence-signaling signal is not assigned to the transponder*” (emphasis added), as recited in claim 3.

As described above with respect to the rejection to claim 1, Vacherand teaches that the sequence number of each tag is assigned to the tag by an interrogator. Because Vacherand teaches that the sequence number of a tag is assigned to the tag by an interrogator, Applicant respectfully asserts that Vacherand fails to teach that “*the presence-signaling signal is not assigned to the transponder*” (emphasis added) of claim 3. In particular, Vacherand teaches the opposite of the above-identified limitation of claim 3.

Additionally, as stated above with respect to the rejection to claim 1, the Final Office Action seems to suggest that a sequence number of Vacherand is assigned to a tag of an interrogator system. Thus, according to the logic in the Final Office Action, the combination of Bauer, Cesar, and Vacherand teaches away from the limitation that “*the presence-signaling signal is not assigned to the transponder*” (emphasis added), as recited in claim 3.

Accordingly, Bauer in view Cesar, and further in view of Vacherand fails to teach the above-identified limitation of claim 3. Because Bauer in view Cesar, and further in view of Vacherand fail to teach all of the limitations of claim 3, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 3.

#### Independent Claim 7

Claim 7 has similar limitations as claim 1. Because of the similarities between claim 1 and claim 7, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 7. Accordingly, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 7.

#### Independent Claim 8

Claim 8 has similar limitations as claim 1. Because of the similarities between claim 1 and claim 8, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 8. Accordingly, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 8.

#### Dependent Claims 10, 12, 13, and 21

Claims 10, 12, 13, and 21 depend from and incorporate all of the limitations of independent claim 8. Thus, Applicant respectfully asserts that claims 10, 12, 13, and 21 are allowable at least based on an allowable claim 8.

Additionally, claim 10 has similar limitations as claim 3. Because of the similarities between claim 3 and claim 10, Applicant respectfully asserts that the above remarks with regard to claim 3 apply also to claim 10. Thus, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 10.

#### Independent Claim 14

Claim 14 has similar limitations as claim 1. Because of the similarities between claim 1 and claim 14, Applicant respectfully asserts that the above remarks with regard to claim 1 apply also to claim 14. Accordingly, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 14.

### Dependent Claims 16-19 and 22

Claims 16-19 and 22 depend from and incorporate all of the limitations of independent claim 14. Thus, Applicant respectfully asserts that claims 16-19 and 22 are allowable at least based on an allowable claim 14.

Additionally, claim 16 has similar limitations as claim 3. Because of the similarities between claim 3 and claim 16, Applicant respectfully asserts that the above remarks with regard to claim 3 apply also to claim 16. Thus, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established with respect to claim 16.

### **CONCLUSION**

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

Date: February 10, 2010

Mark A. Wilson  
Reg. No. 43,994

Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132  
Phone: (925) 249-1300  
Fax: (925) 249-0111